



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

JUL 22 2013

5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Richard S. Hogan, P.E.
Executive Director
Greater Lawrence Sanitary District
240 Charles Street
North Andover, MA 01845-1649

Re: Request for Information Pursuant to Section 308 of the Clean Water Act,
Docket No. 13-308-23

Dear Mr. Hogan:

During the summer and fall of 2012, the U.S. Environmental Protection Agency ("EPA") conducted several sampling inspections of storm water discharges in Greater Lawrence Sanitary District ("GLSD") communities to investigate the possibility of the illicit discharge of sanitary sewage through storm water outfalls. The sampling included a storm water outfall to the Merrimack River which showed signs of possible sewage contamination. The storm water conveyances contributing flow to this outfall are located in close proximity to the GLSD South Bank Interceptor.

More recently, GLSD has reported problems with excessive foaming in the anaerobic digesters at its wastewater treatment facility, which has resulted in foamy sludge being released from the digesters. GLSD has indicated that this is not the first time excessive foaming in the anaerobic digesters has occurred.

Section 308(a) of the Federal Clean Water Act (the "Act"), 33 U.S.C. § 1318(a), authorizes the EPA to require any owner or operator of a point source to provide information needed to determine whether there has been a violation of the Act. To evaluate whether the source of the contaminants in the storm water samples might be GLSD's South Bank Interceptor, and to evaluate whether foaming issues with the anaerobic digester may have resulted in the discharge of pollutants to waters of the United States, GLSD is hereby required, pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a) to respond to this Request for Information (the "Request") **within thirty (30) calendar days of your receipt of this letter, unless otherwise specified.** Please read the instructions in Attachment No. 1 carefully before preparing your response and answer each question in Attachment No. 2 as clearly and completely as possible.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment No. 3, is attached to this letter.

Information submitted pursuant to this Request shall be sent by certified mail and shall be addressed as follows:

US Environmental Protection Agency
New England Region
5 Post Office Square Suite 100 (OES 04-4)
Boston, MA 02109-3912
Attention: George Harding, P.E.

and

Massachusetts Department of Environmental Protection
Northeast Regional Office
2058 Lowell Street, Wilmington MA 01887
Attention: Kevin Brander

Compliance with this Request is mandatory. Failure to respond fully and truthfully or to adequately justify any failure to respond within the time frame specified above also constitutes a violation of the Clean Water Act subject to enforcement action, including the assessment of penalties. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001.

GLSD may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to GLSD.

If you have any questions concerning the required information, please contact George Harding at (617) 918-1870 or have your attorney contact Jeff Kopf at (617) 918-1796.

Sincerely,

Susan Studien

Susan Studien, Director
Office of Environmental Stewardship

cc: Kevin Brander, MassDEP NERO

Attachment No. 1
Information Request

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. Any documents referenced or relied upon by you to answer any of the questions in the Request must be copied and submitted to EPA with your response. All documents must contain a notation indicating the question and subpart to which they are responding. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses
4. If information or documents not known or not available to GLSD as of the date of the submission of its response to this Request should later become known, or available to GLSD, GLSD must supplement its response. Moreover, should GLSD find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, GLSD must notify the EPA of this fact as soon as possible and provide a corrected response.

Attachment No. 2

1. Provide a copy of the most recent as-built drawings for the South Bank Interceptor. The drawings should include both plan and elevation views, and to the extent available should show the location of any underdrains, storm drains and local sanitary sewers in the vicinity of the interceptor.
2. Enel Green Power North America, Inc. ("Enel") operates the hydropower plant at the Lawrence dam. Related to its dam operations, Enel operates the "south canal" between South Canal Street and Merrimack Street. At the eastern terminus of the south canal, a large culvert allows water in the canal to flow to the north into the Merrimack River, passing behind the New Balance (former Ayer Mill) building at 5 South Union Street. This culvert crosses the GLSD sanitary trunk line which runs west to east along the Merrimack River. During multiple EPA inspections in 2012, a strong sewage odor was noted to be emanating from the culvert opening on South Canal Street. Provide a detailed narrative explanation of the existence of any piping, exhaust vents, weir walls, sewage overflow devices, or any other connections between the GLSD sanitary sewer and the canal culvert. Please state whether the canal outfall to the Merrimack River is, or has ever been, used as a Combined Sewer Overflow ("CSO") outfall.
3. Provide a list of all instances of excessive foaming in the anaerobic digesters that have occurred during the past five years. For purposes of this request excessive foaming is defined as a quantity of foam resulting in discharge of foamy sludge around the edges of the floating cover on the digester, or disrupting normal operation of the gas removal system. For each incident provide:
 - The date excessive foaming was detected;
 - The duration of the incident;
 - The cause of the foaming, if identified; and
 - A statement as to whether foamy sludge was released into adjacent wetlands, or through the facility's storm drainage system to surface waters.
4. Provide copies of any technical evaluations prepared by or for GLSD regarding foaming issues in the anaerobic digesters, including possible causes, measures to alleviate foaming, and measures to prevent release of foamy sludge to the environment, including but not limited to improved permanent containment structures.

Attachment No. 3

Statement of Certification

I declare under penalty of perjury that I am authorized to respond on behalf of the Greater Lawrence Sanitary District. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Printed Name)

(Title)

(Date)